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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,473	02/17/2004	Carel J.L. Van Driel	PHN 16-613A	1391

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EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,473	Applicant(s) VAN DRIEL, CAREL J.L.	
	Examiner RAJ K. JAIN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot et al (US 006026086A) in view of Hamamoto et al (US 6,038,233).

Regarding claims 11, 15 and 16 Lancelot discloses a communication network (Fig. 1) comprising a plurality of secondary nodes (110) being coupled to at least one primary node (105), the secondary nodes comprising:

-a transmitter (Figs. 1 and 6) for transmitting packets from the secondary nodes 500 to the primary node 510 according to predetermined transmission properties (col 5 lines 25-33, QoS as a predetermined transmission property); a first address translator 505 (Fig. 6) for translating initial address information carried by packets received from at least one terminal device 500 into address information. Lancelot further discloses a second address translator in the primary station 518 for translating the address information back into the initial address information (Fig. 6; col 11 lines 6-27).

Lancelot fails to disclose a packet carrying the predetermined transmission properties to be used for transmitting associated packets.

Hamamoto discloses a packet carrying the predetermined transmission properties (col 1 lines 35-37). Providing a service quality type field within the

transmitted packet provides for a consistent level of communication services between devices of interest.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Hamamoto within Lancelot so as to improve network performance by providing consistent communication level of service between differing networks as appropriate.

Regarding claim 13, Lancelot discloses wherein the primary node comprises the second address translator (see Fig. 6, reference 518).

Regarding claim 14, Lancelot discloses network comprising cross connect for passing packets from the secondary nodes to an outside network, wherein the second address translator is arranged for translating the address information before the packets are applied to the cross connect. (see Fig. 1, reference 125, OMB, col 3 lines 35-45, OMB provides an provisioning functionality between networks such as packet switched and circuit switched, however, the address translation is performed only at the primary and secondary nodes even before they are applied to the OMB).

Regarding claim 17, Lancelot discloses second address translator 518 (Fig. 6) translates the address information back into the initial address information present in the packets received by the secondary nodes from the at least one terminal device (col 11 lines 6-27).

Regarding claim 18, Lancelot discloses wherein the predetermined transmission properties to be used for transmitting the associated packets include a quality of service (col 5 lines 25-33).

Claim 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot et al (US 006026086A) in view of Aramaki (USP 5,483,521).

Lancelot fails to disclose a selector for selecting packets according to address information in their headers.

Aramaki discloses a selector 105b (Fig. 1) for selecting packets according to address information in their headers (col 5 lines 15-26). Transmitting packets to destinations based on their header information allows for cell sequencing without necessary time stamping of packets. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Aramaki within Lancelot so as to improve network performance by grouping packets based on their header information so as to allow for quick reassembly without the need to for time stamping of packets.

Response to Arguments

Applicant's arguments filed April 8, 2008 have been fully considered but they are not persuasive.

Regarding claim(s) 11, Applicant contends Hamamoto does not discuss a QoS field only a service type in the header. Examiner asserts that based on the interpretation of col 1 lines 35-37, "service type" field stores information indicative of a service quality of communication processing.), the Examiner believes that the "service quality" is same as QoS within a communications channel. Assuming arguendo that Hamamoto does not disclose QoS, which Examiner asserts, is not the case, however Lancelot clearly discloses quality of service (col 5 lines 30-33), and therefore the

resulting combination of Lancelot in view of Hamamoto is still valid and therefore Applicant's contention is moot.

Applicant further contends that Hamamoto fails to disclose converting an address to an address information carrying service type information.

Examiner disagrees. Lancelot discloses a first address translator 505 (Fig. 6) for translating initial address information carried by packets received from at least one terminal device 500 into address information. Lancelot further discloses a second address translator in the primary station 518 for translating the address information back into the initial address information (Fig. 6; col 11 lines 6-27).

Lancelot fails to disclose a packet carrying the predetermined transmission properties to be used for transmitting associated packets.

Hamamoto discloses a packet carrying the predetermined transmission properties (col 1 lines 35-37) and a service field (emphasis added). Providing a service quality type field within the transmitted packet provides for a consistent level of communication services between devices of interest.

Examiner would like to point out that the combination of Lancelot with Hamamoto yields the invention as disclosed by applicant and not by a single reference as discussed by applicant. Therefore based on above reasoning, Examiner asserts that Lancelot in view of Hamamoto do recite all limitations of claim 11, and therefore the rejection to claim 11 is sustained. Furthermore, claims 12-14 and 17-18 are also properly rejected on above cited art and therefore the rejection to claims 12-14, 17 and 18 is sustained.

Further, claims 15 and 16 also recite features similar to claim 11 and therefore the rejection to claims 15 and 16 is also sustained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ K. JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raj K. Jain/

Primary Examiner, Art Unit 2616

July 14, 2008